

App. No. 09/670,073
Amendment dated August 24, 2004
Reply to final Office Action of June 23, 2004

REMARKS

The Office Action mailed June 23, 2004 has been received and the Examiner's comments carefully reviewed. Claims 1-63 are pending in this application. Claims 1-63 were rejected by the Office Action. Claims 1, 5-11, 13, 14, 19, 24-27, 29, 34-36, 47, 50, 54, 56-60 and 63 are amended. No new matter has been added. For at least the following reasons, Applicants respectfully submit that the pending claims are in condition for allowance.

The Office Action rejected claims 1-45 and 47-63 under 35 U.S.C 102(b) as being anticipated by U.S. Patent 5,649,200 issued to *Leblang*. The Office Action rejected Claim 46 under 35 U.S.C. 103(a) as being unpatentable over *Leblang*. Applicants respectfully disagree.

Leblang is directed to a dynamic rule-based version control system. *Leblang* discloses a processor, a storage device for storing versions of objects, and an object version selector for providing the processor with access only to specific versions of target data objects as determined by a set of selection rules. The selection rules are evaluated for an object when that object is accessed by the processor. The version selector includes a means for viewing the selected versions of the target objects as a transparent file system having directories, files, and links. The version selector applies the existing version selection rules to newly created objects, and can also store the identity of a selected object version in a cache memory. The version selection rules include a rule for selecting that version of an object that was the most recent version of that object at the specific time that a process requiring that object began. (Abstract in *Leblang*)

Leblang does not teach all of the limitations recited in Applicants' amended Claim 1. Claim 1, as amended, recites, "assigning a value to a unique identifier that is used to identify a version of software associated with an executable, wherein the value is associated with update information that is used to update the corresponding version of the software; generating a request to obtain location information of the update information using the unique identifier; querying a first server for the location information using the request, wherein the location information includes information about a location of a second server that comprises the update information; linking the first server to the second server; querying the second server for the update information; receiving the update information from the second server; and updating the version of the software identified by the unique identifier based on the update information."

App. No. 09/670,073
Amendment dated August 24, 2004
Reply to final Office Action of June 23, 2004

Specifically, *Leblang* does not teach, "assigning a value to a unique identifier that is used to identify a version of software associated with an executable, wherein the value is associated with update information that is used to update the corresponding version of the software; generating a request to obtain location information of the update information using the unique identifier;... and updating the version of the software identified by the unique identifier based on the update information."

Claims 8, 13, 19, 29, 36, 47, 56, 59 and 63, as amended, include limitations substantially similar (albeit different in other important ways) to the limitations claimed in Claim 1. As discussed above, Claim 1 is allowable. Thus, Claims 8, 13, 19, 29, 36, 47, 56, 59 and 63 are allowable for at least the same reasons that Claim 1 is allowable, and notice to that effect is solicited.

Furthermore, dependent Claims 2-7, 9-12, 14-18, 20-28, 30-35, 37-46, 48-55, 57-58, and 60-62 are allowable for at least the same reasons that the base claims on which they rely are allowable, and notice to that effect is solicited.

For at least the foregoing reasons, Claims 1-63 are submitted to be allowable, and notice to that effect is solicited.

App. No. 09/670,073
Amendment dated August 24, 2004
Reply to final Office Action of June 23, 2004

CONCLUSION

It is respectfully submitted that each of the presently pending claims are in condition for allowance and notification to that effect is requested. The Examiner is invited to contact Applicants' representative at the below-listed telephone number if it is believed that prosecution of this application may be assisted thereby. Although certain arguments regarding patentability are set forth herein, there may be other arguments and reasons why the claimed invention is patentably distinct. Applicants reserve the right to raise these arguments in the future.

Respectfully submitted,

MERCHANT & GOULD P.C.



Timothy P. Sullivan
Registration No. 47,981
Direct Dial: 206.342.6254

MERCHANT & GOULD P.C.
P. O. Box 2903
Minneapolis, Minnesota 55402-0903
206.342.6200
JJF/ab

27488

PATENT TRADEMARK OFFICE